

TITLE 8 DEVELOPMENT CODE
DIVISION 11: PUBLIC FACILITIES FINANCING
CHAPTER 3: RECREATIONAL FACILITIES FINANCING.
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811.0301 Intent and General Provisions.

The intent of this chapter is to provide for the development of park and recreational facilities, through subdivision regulations, in an area where the need for parks has been expressed by the community, and a public agency exists to administer these facilities. Each subdivider of land for residential use shall, as a condition to the approval of a parcel map or final subdivision map, dedicate lands or pay fees in lieu thereof, or a combination of both, for park or recreational purposes. Dedication and fee requirements shall be conveyed to the designated public agency or into a special County fund established for this purpose, prior to approval of the final map or parcel map.

Readopted Ordinance 3341 (1989)

811.0305 Jurisdiction Limitations.

The requirement for dedication of land or payment of fees shall be contingent upon a Board of Supervisors' resolution adopting at public hearing said requirements and procedures for a community area. Said area shall be served by a public agency legally empowered to improve, maintain and operate the dedicated land consistent with the General Plan.

Readopted Ordinance 3341 (1989)

811.0310 Requirements.

Land or fees required under this Chapter shall be conveyed or paid directly to the County or the public agency, in accepting such land or funds, shall develop the land or use the funds as herein provided:

(a) Use of Land and Fees. The land, fees or combination thereof are to be used only for the purpose of providing park or recreational facilities within the agency which will serve or benefit future residents of such subdivision.

(b) Establishment and Development Time. The Board of Supervisors, in agreement with the public agency having park responsibility, shall specify by resolution at the time approval is given to the final map when the development of a park or recreation facility to serve the subject subdivision will begin. The starting date shall be reasonable with respect to: (1) the need for such park or facility, (2) weather constraints, (3) minimized disruption of the neighborhood, and (4) the accumulation of the necessary funds and land.

(c) Land Disposition. In the event that opportunities for better recreation facilities than those provided by the dedication materialize, the land so dedicated may be sold with the proceeds therefrom being used for suitable park and recreation facilities which serve the neighborhood in which that subdivision is located.

(d) Only the payment of fees shall be required in subdivisions of less than fifty (50) lots unless agreed otherwise by the Board of Supervisors and the subdivider.

(e) Standards for Dedication. The amount of land to be dedicated or the fees to be paid shall bear a reasonable relationship to the use or benefits of the park and recreation facilities by the future residents of the subdivision. The Board of Supervisors, upon the recommendation of the designated public agency with park powers, shall set by resolution the ratio of park acres to one thousand (1,000) population. The said ratio may be set to maintain the existing level of park acres per one thousand (1,000) population served by the public agency.

(f) Amount of Park Fees Required. When the requirements of this chapter are complied with solely on the basis of providing park fees, the minimum amount of fees to be paid shall be computed by using the following formula:

$$\frac{\text{NSP}(L + D)}{1,000} = \text{minimum fee}$$

WHERE:

N =	number of proposed dwelling units
S =	planned park acreage per 1,000 population
P =	population per dwelling unit on a scale and density set by the responsible public agency
L =	fair market value per acre of land being subdivided
D =	average cost per acre to develop a park as determined by the public agency

(g) Amount of Land Required. Whenever the requirements of this chapter are complied with solely on the basis of providing park land, the minimum amount of land required shall be the amount which could be purchased with the fees computed in Subsection 811.0310(f).

(h) Park and Recreational Use Land -- Fair Market Value. The fair market value shall be determined as of the date of filing of the parcel map or final map in accordance with the following:

(1) The fair market value as determined by the Board of Supervisors based upon the market value of the land as a part of the subdivision, not as raw acreage, in accordance with the current practice of the County Assessor; or

(2) If the subdivider objects to such evaluation, he may, at his own expense, obtain an appraisal of the property by a qualified real estate appraiser from the general area, approved by the County, which appraisal may be accepted by the Board of Supervisors if found reasonable; or

(3) The County and subdivider may agree to the fair market value.

(i) Combination of Park Land and Fees Required. When only a portion of the required park land is dedicated as required in Subsection 811.0310(g), a fee computed pursuant to Subsection 811.0310(f) shall be paid for any additional land that would have been required to be dedicated.

Readopted Ordinance 3341 (1989)

811.0315 Procedure.

The requirements of this Chapter shall be complied with prior to the approval of the final map or parcel map by the provision of park land in whole or in part, the payment of a park fee, or by a combination of both as required by the Advisory Agency.

(a) Subdivider. At the time of filing a tentative map, parcel map or minor subdivision plot plan for approval, the subdivider shall, as part of such filing, state in writing whether it is desired to dedicate property for park and recreational purposes or to pay a fee in lieu thereof. If the subdivider desires to dedicate land for this purpose, the area shall be designated on the tentative tract or parcel map as submitted.

(b) Action of County. At the time of the tentative tract map approval, the Advisory Agency shall determine as part of such approval, whether to require a dedication of the land within the subdivision, payment of a fee in lieu thereof or a combination of both.

(c) Prerequisites for Approval of Final Maps. Where dedication is offered and accepted, it shall be accomplished in accordance with the provisions of the Subdivision Map Act. Where fees are required, the same shall be deposited with the County or Local agency prior to the approval of the final tract map.

(d) Determination. The Advisory Agency shall determine whether to require land dedication, require payment of a fee in lieu thereof or a combination of both, by consideration of the following:

- (1) Recreational element of the General Plan; and
- (2) Topography, geology, access and location of land in the subdivision available for dedication; and
- (3) Size and shape of the subdivision and land available for dedication; and
- (4) Desires and plans of the public agency which will provide the services.

(e) Park and Recreational Areas where required shall be developed in conjunction with any pedestrian, bikeway and equestrian linkage ways and in accordance with the County Conservation and Open Space policies and any applicable community or specific plans.

(f) Park and Recreational Use Land -- Credit for Private Open Space. Where private open space for park and recreational purposes is provided in a proposed subdivision and such space is to be privately owned and maintained by the future residents of the subdivision, such areas shall be credited up to seventy-five percent (75%) against the requirement of a dedication for park and recreation purposes, as set forth in Subsection 811.0310(g), or the payment

of fees in lieu thereof, as set forth in Subsection 811.0310(f), provided the Advisory Agency finds it is in the public interest to do so, and that the following standards are met:

(1) That yards, court areas, setbacks and other open areas required to be maintained by the zoning, land use district, and building regulations shall not be included in the computation of such private open space; and

(2) That the private ownership and maintenance of the open space is adequately provided for by written agreement; and

(3) That the use of the private open space is restricted for park and recreational purposes by recorded covenants which run with the land in favor of the future owners of the property within the tract; and

(4) That the proposed private open space is reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access and location of the private open space land; and

(5) That facilities proposed for the open space are in substantial accordance with the provisions of the General Plan, and are approved by the Planning Commission.

Readopted Ordinance 3341 (1989)

811.0320 Exemptions.

The provisions of this chapter do not apply to industrial subdivisions; nor do they apply to condominium projects which consist of the subdivision of airspace in an existing apartment building which is more than five (5) years old, when no new dwelling units are added; nor do they apply to parcel maps for a subdivision containing less than five (5) parcels for a shopping center containing more than three hundred thousand (300,000) square feet of gross leasable area and no residential development or uses.

Subdivisions containing less than five (5) parcels and not used for residential purposes shall be exempt from the requirements of this chapter; provided, however, that a condition shall be placed on the approval of such parcel map that if a building permit is requested for construction of a residential structure or structures on one or more of the parcels within four (4) years, the fee shall be required to be paid by the owner of each such parcel as a condition of the issuance of such permit.

Readopted Ordinance 3341 (1989)